

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fox et al.

Serial No.: 10/584,358

Filed: June 23, 2006

VIA ELECTRONIC FILING
APRIL 8, 2008

For: A SYSTEM FOR WATER
TREATMENT

Confirmation No.: Unknown

Examiner: Unknown

Group Art Unit: Unknown

Attorney Docket No.: 3276-7872US

RENEWED PETITION UNDER 37 C.F.R. 1.47(b)

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Renewed Petition Under 37 C.F.R. 1.47(b) is being submitted in response to the Decision mailed on February 8, 2008, which dismissed, without prejudice, the Renewed Petition filed on October 16, 2007, which was filed in response to the Decision mailed on May 16, 2007, which dismissed, without prejudice, a Petition by Person Having Proprietary Interest to File Application on Behalf of Inventors Who Refuse to Sign or Cannot be Found under 37 C.F.R. 1.47(b), which was filed on March 2, 2007. The two month deadline to respond to the present Decision is April 8, 2008.

The present dismissal is based on the fact that petitioner has not established that a bona fide attempt was made to present a copy of the application papers, including the specification, claims and drawings to inventor John Fox. Also, the PCT Legal Examiner requires a declaration from Nancy Johnson, a paralegal employed by TraskBritt, stating that the complete application papers, including the specification, claims, and drawings were included with the letter sent to inventor Errol O'Brien on September 20, 2007.

On March 14, 2008, a letter was delivered to John Fox via Federal Express. Enclosed with the letter were the complete application papers, which include the specification, claims, abstract, and drawings; a copy of the PCT Request that accompanied the PCT Application; a copy of the Transmittal Letter to the United States Patents and Trademark Office; and a Preliminary Amendment filed with the Transmittal Letter on June 23, 2006. Attached hereto as Exhibit "A" is a copy of the letter and Federal Express delivery notification.

John Fox has not contacted me in regard to the application papers.

Attached please find a Declaration signed by Nancy Johnson which states that the complete application papers were included with the letter to John Fox.

Also enclosed herewith is a second Declaration signed by Nancy Johnson which states that the complete application papers, including the specification, claims, and drawings were included with the letter sent to inventor Errol O'Brien on September 20, 2007.

We respectfully request that Examiner issue a decision granting the Renewed Petition as soon as possible.

Respectfully submitted,



Edgar R. Cataxinos
Registration No. 39,931
Attorney for Applicant(s)
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: April 8, 2008
ERC/nj:tlp
Document in ProLaw

A

March 14, 2008

Nancy J. Johnson
DIRECT DIAL: (801) 994-8745
DIRECT E-MAIL: njohnson@traskbritt.com

VIA FEDERAL EXPRESS

John Fox
5/21 Maple Street
Maleny QLD 4552
AUSTRALIA

Re: U.S. PATENT APPLICATION

Invention	A SYSTEM FOR WATER TREATMENT
Inventor	Fox et al.
Application No.	10/584,358
Filing Date	June 23, 2006
Our Case No.	3276-7872US

Dear Mr. Fox:

We previously sent you a Declaration for Patent Application (With Power of Attorney) as an inventor of the above referenced Patent Application. However, it has been brought to our attention that you were not previously provided with a complete copy of the application papers, including the specification, claims, abstract, and drawings. Even though you have indicated that you will not take any action with regard to the Application, you remain listed as an inventor; and therefore, we are enclosing for your review and records the following:

1. A copy of International Application PCT/AU2004/001820, Publication WO 2005/061398, entitled A System for Water Treatment, which includes the Specification, Claims, Abstract, and Drawings, filed with the International Bureau on December 23, 2004.
2. A copy of the PCT Request that accompanied the International Application.
3. A copy of the Transmittal Letter to the United States Designated/Elected Office concerning a Submission Under 35 U.S.C. 371, filed on June 23, 2006;
4. A Preliminary Amendment filed with the United States Patent and Trademark Office on June 23, 2006; and,
5. A second copy of the Declaration for Patent Application (With Power of Attorney).

Please contact me at the e-mail address or phone number provided if you have any questions or need additional information. You may also contact attorney Edgar R. Cataxinos at (801) 994-8722, or his e-mail address at ercataxinos@traskbritt.com.



John Fox
March 14, 2008
Page 2

Please let us know immediately if you still refuse to sign the Declaration for Patent Application (With Power of Attorney).

Very truly yours,



Nancy Johnson

NJJ/njj
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Nancy Johnson

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Subject: FedEx Shipment 799289817138 Delivered

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Company Name: TraskBritt, P.C.
Name: TRASK BRITT
E-mail: NJjohnson@traskbritt.com

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Sign for by: .KIM
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Service type: FedEx International Priority
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 1.00 lb.
Special handling/Services: Deliver Weekday

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Shipper Information	Recipient Information
TRASK BRITT	JOHN FOX
TRASKBRITT, P.C	5/21 MAPLE STREET
230 S 500 E STE 300	MALENY, QLD
SALT LAKE CITY	AU
UT	4552
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In re Application of:

Fox et al.

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Attorney Docket No.: 3276-7872US

DECLARATION OF NANCY JOHNSON

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Nancy Johnson, a Paralegal employed by the firm of TraskBritt, P.C., hereby declare as follows:

1. I sent a letter to Mr. John Fox, an inventor of the invention that is the subject of the above referenced patent application, on March 14, 2008, via Federal Express. The letter was delivered on March 18, 2008. Attached hereto as Exhibit "A" are a copy of the letter and a copy of the confirmation of delivery by Federal Express.
2. Enclosed with the letter were a copy of PCT Application PCT/AU2004/001820, which

included the specification, claims, abstract, and drawings; a copy of the PCT Request that accompanied the PCT Application; a copy of the Transmittal Letter to the United States Designated/Elected Office Concerning a Submission Under 35 U.S.C. 371, filed on June 23, 2006; and, a copy of a Preliminary Amendment that accompanied the Transmittal Letter.

3. Based upon knowledge and belief, Mr. Fox has not contacted either Edgar Cataxinos or myself to discuss the application or indicate a willingness to sign the application papers.

Respectfully submitted,



Nancy J. Johnson
Paralegal
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: April 8, 2008

NJJ/nj:erc

Document in ProLaw

A

March 14, 2008

Nancy J. Johnson
DIRECT DIAL: (801) 994-8745
DIRECT E-MAIL: njjohnson@traskbritt.com

VIA FEDERAL EXPRESS

John Fox
5/21 Maple Street
Maleny QLD 4552
AUSTRALIA

Re: U.S. PATENT APPLICATION

Invention	A SYSTEM FOR WATER TREATMENT
Inventor	Fox et al.
Application No.	10/584,358
Filing Date	June 23, 2006
Our Case No.	3276-7872US

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Please contact me at the e-mail address or phone number provided if you have any questions or need additional information. You may also contact attorney Edgar R. Cataxinios at (801) 994-8722, or his e-mail address at ercataxinios@traskbritt.com.



John Fox
March 14, 2008
Page 2

Please let us know immediately if you still refuse to sign the Declaration for Patent Application (With Power of Attorney).

Very truly yours,



Nancy Johnson

NJJ/njj
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Nancy Johnson

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Name: TRASK BRITT
E-mail: NJjohnson@traskbritt.com

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Service type: FedEx International Priority
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 1.00 lb.
Special handling/Services: Deliver Weekday

Tracking number: 799289817138

Shipper Information	Recipient Information
TRASK BRITT	JOHN FOX
TRASKBRITT, P.C	5/21 MAPLE STREET
230 S 500 E STE 300	MALENY, QLD
SALT LAKE CITY	AU
UT	4552
US	
84102	

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In re Application of:

Fox et al.

Serial No.: 10/584,358

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APRIL 8, 2008

For: A SYSTEM FOR WATER
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Confirmation No.: Unknown

Examiner: Unknown

Group Art Unit: Unknown

Attorney Docket No.: 3276-7872US

DECLARATION OF NANCY JOHNSON

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Nancy Johnson, a Paralegal employed by the firm of TraskBritt, P.C., hereby declare as follows:

1. On September 20, 2007, I sent a letter via Federal Express to Mr. Errol O'Brien, an inventor of the invention that is the subject of the above referenced patent application, which letter was delivered on September 24, 2007.
2. Enclosed with the letter were PCT Application PCT/AU2004/001820, which included the specification, claims, abstract, and drawings of the above referenced patent

application; a copy of the Transmittal Letter to the United States Designated/Elected Office Concerning a Submission Under 35 U.S.C. 371; and a copy of a Preliminary Amendment, all of which were filed with the United States Patent and Trademark Office on June 23, 2006. Attached hereto as Exhibit "A" are a copy of the letter and confirmation of delivery by Federal Express.

Respectfully submitted,



Nancy J. Johnson
Registration No.
Attorney for Applicant(s)
TRASKBRITT
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: April 8, 2008

NJJ/nj:tlp

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EXHIBIT



230 South 500 East, Suite 300 Salt Lake City, Utah 84102 PO Box 2550 Salt Lake City, Utah 84102 Tel: 1.801.532.1922 1.800.900.2001 FAX: 1.801.531.9168

September 20, 2007

Nancy J. Johnson
DIRECT DIAL: (801) 994-8745
DIRECT E-MAIL: njohnson@traskbritt.com

VIA FEDERAL EXPRESS

Errol O'Brien
301 Oakey Flat Road
Moray, QLD
AUSTRALIA

Re: U.S. PATENT APPLICATION
Invention A SYSTEM FOR WATER TREATMENT
Inventor Fox et al.
Application No. 10/584,358
Filing Date June 23, 2006
Our Case No. 3276-7872US

Dear Mr. O'Brien:

Enclosed please find the International Application for the above referenced invention which was filed on December 23, 2004, the Transmittal Letter to the United States Designated/Elected Office Concerning a Submission Under 35 U.S.C. 371 filed on June 23, 2006, and a Preliminary Amendment filed therewith. I am sending the documents by Federal Express because we have been unable to send them via e-mail.

Please contact us as soon as possible with your decision regarding this matter. .

Very truly yours,

A handwritten signature in blue ink that reads "Nancy J. Johnson".

Nancy J. Johnson
Paralegal

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Nancy Johnson

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Packaging type: FedEx Envelope
Number of pieces: 1
Weight: kg.
Special handling/Services: Residential Delivery
Deliver Weekday

Tracking number: 791393682782

Shipper Information	Recipient Information
TRASK BRITT	ERROL O'BRIEN
TRASKBRITT, P.C	301 OAKLEY FLAT ROAD
230 S 500 E STE 300	MORAYFIELD, QLD
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